



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 24 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jim Rock, Managing Director
Applied Composite Technology
4999 Enka Highway
Lowland, Tennessee 37778

SUBJ: In the Matter of Applied Composite Technology
Docket Number: RCRA-04-2009-4004(b)
EPA ID No.: TNR 000 000 976

Dear Mr. Rock:

Enclosed is a copy of the Consent Agreement and Final Order (CA/FO) that resolves the Resource Conservation and Recovery Act matter for Applied Composite Technology (ACT) located in Lowland, Tennessee. The CA/FO has been filed with the Regional Hearing Clerk and is effective on the date of filing.

In accordance with Paragraphs 49 and 50, ACT is required to pay the civil penalty of \$1,000 within 30 days of the filing date. Payment instructions are outlined in Paragraphs 51 and 52 of the CA/FO.

If you have any questions regarding this letter or the CA/FO, please contact me at (404) 562-9544. Your cooperation in this matter is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Joan Redleaf Durbin".

Joan Redleaf Durbin
Senior Attorney
Office of Environmental Accountability

cc: Mr. Mike Apple, Director
Division of Solid Waste Management, Tennessee Department of Environment & Conservation
5th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243-1535

Internet Address (URL) • <http://www.epa.gov>

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**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF)	DOCKET NO.:RCRA-04-2009-4004(b)
)	
Applied Composite Technology)	PROCEEDING UNDER SECTION
4999 Enka Highway)	3008(a) OF THE RESOURCE
Lowland, Tennessee 37778)	CONSERVATION AND RECOVERY
)	ACT, 42 U.S.C. § 6928(a)
RESPONDENT)	
)	
EPA ID No. : TNR 000 000 976)	

RECEIVED
EPA REGION IV
2009 DEC 24 AM 9:39
HEATHER OLEMY

CONSENT AGREEMENT

I. NATURE OF THE ACTION

1. This is a civil administrative enforcement action, ordering compliance with the requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 et seq., and the “Tennessee Hazardous Waste Management Act of 1977”, the Tennessee Code Annotated (T.C.A.) § 68-212-101 et seq., as amended. This action is seeking civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for alleged violations of RCRA and T.C.A. and the regulations promulgated pursuant thereto, set forth at Title 40 of the Code of Federal Regulations (40 C.F.R.), Parts 260 through 270 and Tennessee Rule (TR) Chapter 1200-01-11.

2. The “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination, or Suspension of Permits,” 40 C.F.R. Part 22, provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (CA/FO). 40 C.F.R. §§ 22.13(b) & 22.18(b)(2) and (3).

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to settle this action. Accordingly, before any testimony has been taken upon the pleadings and without any admission of violation or adjudication of any issue of fact or law and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CA/FO and Respondent hereby agrees to comply with the terms of this CA/FO.

II. THE PARTIES

4. Complainant is the Chief, RCRA Enforcement and Compliance Branch, RCRA Division, Region 4, United States Environmental Protection Agency (EPA). Complainant is authorized to issue the instant CA/FO pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and applicable delegations of authority.

5. Respondent is Applied Composite Technology Company (ACT) incorporated in the State of Tennessee and doing business at 4999 Enka Highway, Lowland, Tennessee, 37778.

6. Respondent manufactures eco-engineered products or wood composite products (decking, siding, and accents systems). In addition, ACT is the process of working on producing a range of bio-fuels from discarded green wood, fire-rated insulation from reclaimed waste cotton and pelletized polymers from waste streams (recycled X-ray film).

III. PRELIMINARY STATEMENTS

7. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), on February 5, 1985, the State of Tennessee (the State) received final authorization to carry out certain portions of RCRA, including those recited herein, in lieu of the federal program. The requirements of the authorized program are found T.C.A. § 68-212-101 *et. seq.*, and the regulations promulgated pursuant thereto, set forth at TRC 1200-01-11.

8. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states upon their federal effective date regardless of the State's authorization status. On December 26, 2000, the State received authorization under HSWA.

9. Although EPA has granted the State of Tennessee authority to enforce its own hazardous waste program, EPA retains jurisdiction and authority to initiate an independent enforcement action, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a) to address violations of the requirements of the authorized state program. This authority is exercised by EPA in the manner set forth in the Memorandum of Agreement between EPA and the State of Tennessee.

10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State of Tennessee prior to issuing this CA/FO.

11. Section 3002(a) of RCRA, 42 U.S.C. § 6922(a) and T.C.A. 68-212-101, *et seq.*, authorizes the regulation of facilities that generate hazardous waste. The implementing regulations for these requirements are found in 40 C.F.R. Part 262 and TR Chapter 1200-01-11-.03. The regulations became effective on November 19, 1980.

12. Section 3004 of RCRA, 42 U.S.C. § 6922, and T.C.A. 68-212-101, et seq., set forth standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. The implementing regulations for these requirements are found at 40 C.F.R. Part 264 and TR Chapter 1200-1-11-.06.
13. Section 3005 of RCRA, 42 U.S.C. § 6925, and T.C.A. 68-212-101, et seq., set forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at 40 C.F.R. Parts 264 (permitted) and 265 (interim status) and TR Chapter 1200-01-11-.05 (interim status) and 1200-01-11-.06 (permitted).
14. Pursuant to TR Chapter 1200-1-11-.02(1)(b)1(i) and 40 C.F.R. § 261.2, a “solid waste” is any “discarded material” that is not otherwise excluded by the regulations.
15. Pursuant to TR Chapter 1200-1-11-.02(1)(b)1(ii) and 40 C.F.R. § 261.2(a)(2)(i), a “discarded material” is any material which is “abandoned”.
16. Pursuant to TR Chapter 1200-1-11-.02(1)(b)2(iii) and 40 C.F.R. § 261.2(b)(3), defines an “abandoned” as material that is accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.
17. Pursuant to TR Chapter 1200-1-11-.02(1)(c) and 40 C.F.R. § 261.3, a “solid waste” is a “hazardous waste” if it is not otherwise excluded by regulation and meets any of the criteria under this regulation.
18. Pursuant to TR Chapter 1200-1-11-.01(2)(a) and 40 C.F.R. § 260.10, a “generator” is any person, by site, whose act or process produces hazardous waste identified or listed in TR 1200-1-11-.02 and 40 C.F.R. Part 261 or whose act first causes a hazardous waste to be subject to regulation.
19. Pursuant to TR Chapter 1200-1-11-.03(1)(b) and 40 C.F.R. § 262.11, any person who generates a solid waste must determine if the waste is a hazardous waste using a method prescribed in the regulation.
20. Pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, T.C.A. 68-212-108, TR Chapter 1200-1-11.03(4)(e)(3) and 40 C.F.R. § 262.34(b), a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the permit requirements of TR 1200-1-11-.07 and 40 C.F.R. Part 270 unless he has been granted an extension to the 90-day period.

IV. EPA ALLEGATIONS AND DETERMINATIONS

21. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and TR Chapter 1200-01-11-.01(2)(a) and 40 C.F.R. § 260.10.
22. Respondent is the "owner" and "operator" of a "facility" as those terms are defined in TR Chapter 1200-01-11-.01(2)(a) and 40 C.F.R. § 260.10.
23. Respondent's facility was constructed in approximately 1967 as an addition to an existing Rayon plant which was owned and operated by the American Enka Corporation. Respondent's facility was constructed to manufacture polyester (polyester staple plant).
24. In 1985, the entire American Enka facility was purchased by the BASF Corporation. In 1995, BASF sold the polyester staple plant to Intercontinental Polymers, Inc.
25. Intercontinental Polymers, Inc. (IPI) operated the facility as a small quantity generator of hazardous waste with EPA ID No. TNR 000 000 976. In 2005, IPI filed for bankruptcy and ceased polymer production.
26. Respondent purchased the facility out of bankruptcy and began operations in the plant in 2006. None of Respondent's operations included the manufacturing of polyester.
27. On March 21, 2008, EPA conducted a RCRA Compliance Site Visit (CSV) at Respondent's facility to verify its regulatory status. At the time of the visit, Respondent was operating a pilot plant for the production of composite housing materials.
28. Respondent informed EPA that when it bought the property, some material was left behind by IPI, the previous operator. Respondent had attempted to sell the chemicals left behind by IPI, because Respondent has no use for the materials. Many chemicals, such as lurol, ethylene glycol, formic acid, etc., remained on-site.
29. During the CSV, EPA observed the above ground tank storage area. This area is located on the northwest side of the property and was used for raw material storage during the manufacturing of polyester. The tanks in the storage area may contain the following: water, glycol recovery bottoms (grub), mixed glycol, virgin glycol, butanol, effluent glycol, glycol, and methanol. The tank sizes range from 5,000 gallons to 30,000 gallons. It is unknown at this time as to which tanks are currently empty or contain chemicals. The integrity of the tanks is unknown.
30. During the CSV, EPA observed the Air Compressor Building. The Air Compressor building is located on the northern side of the property near the above ground tank storage area. At the time of the CSV, numerous containers of various chemicals, including tetra n-butyl titanate (TNBT), were stored in this area. Many of these containers were open and several were unlabeled.

31. During the CSV, EPA observed the Distillation Area. According to the Respondent's representative, three distillation columns were used by IPI to recycle ethanol. It was unknown at the time of the site visit if any of the equipment associated with the distillation columns contained any materials.

32. During the CSV, EPA observed the DMT Building. Two drums labeled hazardous waste (D002/F003) were being stored in the DMT Building. The drums were dated May 3, 2003 and October 3, 2003.

33. During the CSV, EPA observed the Main Building. EPA inspectors noted that Respondent was storing an excess of 160 drums of unknown chemicals in this area.

34. During the CSV, EPA observed the Lube Oil Room. EPA inspectors noted at least eighteen 55-gallon containers of oil and used oil being stored in this area.

35. During the CSV, EPA observed the "Dow-Therm" Boiler Rooms. The facility has six "Dow-Therm" boilers. During the site visit, EPA inspectors viewed two of these boiler rooms, and noted two 55-gallon containers of "Dow-Therm" drums in one of these rooms.

36. On July 22, 2008, EPA met with Mr. Jim Rock, an owner of ACT, to discuss the findings of the CSV. During the meeting, ACT provided an inventory of materials left by IPI (See Appendix A). The inventory includes amount and location of material left in drums, totes and tanks, stored at the facility. Some of the materials includes, but is not limited to: used oil, diethylene glycol, methane, spent "Dow-Therm", soda ash and trichloromonofluoromethane.

37. Respondent is a "generator" as that term is defined in TR Chapter 1200-01-11-.01(2)(a) and 40 C.F.R. § 260.10.

38. Respondent failed to make a hazardous waste determination on the waste listed in Paragraphs 29, 30, 31, 33 and 35. Therefore, EPA alleges Respondent violated TR Charter 1200-1-11.03(1)(b) and 40 C.F.R. § 262.11.

39. During the CSV, Respondent's was storing two drums labeled as hazardous waste (D002/F003) over 90 days (May 3, 2003 & October 3, 2003) in the DMT Building.

40. Respondent failed to dispose of the hazardous waste containers listed in Paragraph 32 in less than 90-days. Therefore, EPA alleges that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and T.C.A. 68-212-108 and the implementing regulations under 40 C.F.R. Parts 264 and 265, and TR Chapter 1200-01-11-.05 by operating a storage facility without interim status or a permit.

V. TERMS OF AGREEMENT

Based on the Preliminary Statements, Allegations and Determinations, the parties agree to the following:

41. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out above pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.
42. The Respondent neither admits nor denies the factual allegations set out above.
43. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying the Consent Agreement.
44. Respondent waives its right to challenge the validity of this CA/FO and the settlement of the matters addressed in this CA/FO on the basis of any issue related to the Paperwork Reduction Act.
45. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CA/FO.
46. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of RCRA.
47. The parties agree that compliance with the terms of this CA/FO shall resolve the violations of RCRA alleged in this CA/FO.
48. Each party will pay its own costs and attorney's fees.

A. PAYMENT OF CIVIL PENALTY

49. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), taking into account the seriousness of the violations and any good faith efforts to comply with the applicable requirements, Respondent's ability to pay and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of \$1,000.
50. Respondent consents to the issuance of this CA/FO and consents for the purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph within thirty (30) calendar days of the effective date of this CA/FO.

51. Payment of the civil penalty shall be made by cashier's check, certified check, or other payment acceptable to EPA, payable to: Treasurer, United States of America. The facility name and the docket number for this matter shall be referenced on the face of the check. Payment shall be tendered to:

US Environmental Protection Agency
Fine and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000.

52. Respondent shall submit a copy of the payment to:

Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

and to:

Doug McCurry, Chief
North Section
RCRA & OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303.

53. If Respondent fails to remit the civil penalty and/or stipulated penalties as agreed to herein, EPA is required to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Interest, at the statutory judgment rate provided for in 31 U.S.C. § 3717, will therefore begin to accrue on the civil penalty and/or stipulated penalties if not paid within thirty (30) calendar days after they are due. Pursuant to 31 U.S.C. § 3717, Respondent must pay the following amounts on any amount overdue:

- a. Interest. Any unpaid portion of a civil penalty or stipulated penalty must bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil penalty or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

- b. Monthly Handling Charge. Respondent must pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent thirty (30) calendar day period over which an unpaid balance remains.
- c. Non-Payment Penalty. On any portion of a civil penalty or stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of six percent per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

54. Penalties paid pursuant to this CA/FO are not deductible for federal purposes under 28 U.S.C. § 162(f).

B. INJUNCTIVE RELIEF

55. Respondent agrees that within thirty (30) days of the effective date of this Order, Respondent shall submit to EPA for approval, a Sampling, Analysis and Disposal Workplan ("Workplan"). This Workplan is for carrying out the required testing, analysis, reporting and disposal of all the chemicals, not currently being used, that are stored at the facility in containers, tanks and process units as described in the inventory report (Appendix A).

56. Upon receipt of EPA approval of the Workplan, Respondent agrees to implement the EPA-approved Workplan in accordance with the terms and schedules contained therein.

57. Based on information submitted during the July 22, 2008, meeting, EPA acknowledges that Respondent has completed some of the tasks required by this CA/FO and/or that Respondent has available some of the information and data required by this CA/FO. This previous work may be used to meet some of the requirements of this CA/FO, upon submission to and formal approval by EPA.

58. Based on the work performed under the Workplan, describe above, EPA may determine that additional monitoring, testing, analysis, and/or reporting is necessary. If EPA determines that such additional work is necessary, EPA will notify Respondent in writing and specify the basis for its determination that additional work is necessary. Within fifteen (15) days after the receipt of such determination, Respondent shall have the opportunity to meet or confer with EPA to discuss the additional work. If required by EPA, Respondent shall submit for EPA approval, a Workplan for the additional work. EPA will specify the contents of such Workplan. Such Workplan shall be submitted by Respondent within sixty (60) days of receipt of EPA's determination that additional work is necessary, or according to an alternative schedule established by EPA.

59. All sampling undertaken pursuant to this CA/FO shall be performed in accordance with

the EPA-approved terms and schedules, and in a manner consistent with EPA's Region 4, SESD Environmental Investigations Standard Operating Procedures and Quality Assurance Manual, (EISOPQAM) and appropriate EPA guidance. (http://www.epa.gov/region4/sesd/sesdpub_guidance.html).

60. Respondent shall follow EPA guidance for sampling and analysis. Respondent shall develop a Quality Assurance Project Plan (QAPP) for all sampling and analysis conducted under this Consent Order. Workplans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the QA/QC and chain of custody procedures in approved workplans must be approved by EPA prior to implementation; must be documented, including reasons for the deviations; and must be reported in the applicable report.

61. The contact person(s), name(s), addresses, and telephone numbers of the analytical laboratories Respondent proposes to use must be specified in the applicable workplan(s).

62. All workplans required under this CA/FO shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended use(s).

63. Respondent shall monitor to ensure that high quality data is obtained by its consultant or contract laboratories. Respondent shall ensure that laboratories used by Respondent for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846 Third Edition as amended by Update One, July 1992), or other methods deemed satisfactory to EPA. If methods other than EPA methods are to be used, Respondent shall specify and submit all such protocols for EPA approval in the work plan. EPA may reject any data that does not meet the requirements of the approved work plan or EPA analytical methods and may require resampling and additional analysis.

64. Respondent shall ensure that laboratories it uses for analyses participate in a QA/QC program equivalent to that which is followed by EPA. EPA may conduct a performance and QA/QC audit of the laboratories chosen by Respondent before, during, or after sample analyses. Upon request by EPA, Respondent shall have its laboratory perform analyses of samples provided by EPA to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or QA/QC, resampling and additional analysis may be required.

65. Within thirty (30) calendar days of completion of the workplan, Respondent agrees to certify in writing that it has corrected all the violations alleged in this CA/FO. Certification shall be submitted to the Chief of North Section, RCRA & OPA Enforcement and Compliance Branch at the address listed in paragraph 52 of this Order.

C. SUBMISSION

66. The information required to be submitted under this CA/FO shall be mailed to:

Doug McCurry, Chief
North Section
RCRA & OPA Enforcement and Compliance Branch
RCRA Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

and to:

Mike Apple, Director
Division of Solid and Hazardous Waste Management
5th Floor, L&C Tower
401 Church Street
Nashville, Tennessee 37243-1535

VI. RESERVATION OF RIGHTS

67. Notwithstanding any other provision of this CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should the EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

68. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and the implementing regulations and to enforce the terms and conditions of this CA/FO.

69. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any claim (civil or criminal), cause of action or demand in law or equity for any liability Respondent may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

70. This CA/FO may be amended or modified only by written agreement executed by both the EPA and Respondent.

71. The provisions of this CA/FO shall be deemed satisfied upon a determination by Complainant that Respondent has fully completed the actions required in this Consent Order.

VII. OTHER APPLICABLE LAWS

72. All actions required to be taken pursuant to this CA/FO shall be undertaken in accordance with the requirements of all applicable local, state and Federal laws and regulations.

VIII. PARTIES BOUND

73. This CA/FO shall be binding upon Respondent and its successors and assigns. Respondent shall cause its officers, directors, employees, agents, and all persons, including independent contractors, contractors, and consultants acting under or for Respondent, to comply with the provisions hereof in connection with any activity subject to this CA/FO.

74. No change in ownership, partnership, corporate or legal status relating to the facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.

75. The undersigned representative of Respondent hereby certifies that she or he is fully authorized to enter into this CA/FO and to execute and legally bind Respondent to it.

IX. SERVICE OF DOCUMENTS

76. A copy of any documents that Respondent files in this action shall be sent to the following attorney who represents EPA in this matter and who is authorized to receive service for EPA in the proceeding:

Joan Redleaf Durbin
Associate Regional Counsel
U.S. EPA – Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
404-562-9544

77. A copy of any documents that Complainant files in this action shall be sent to the following individual who represents the Respondent in this matter and who is to receive service for the Respondent in this proceeding:

Jim Rock, Managing Director
Applied Composite Technology
4999 Enka Highway

Lowland, Tennessee 37778

X. SEVERABILITY

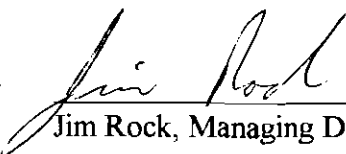
78. In is the intent of the parties that the provisions of this CA/FO are severable. If any provision of this CA/FO or the application of this CA/FO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CA/FO shall remain in force and shall not be affected thereby.

XI. EFFECTIVE DATE

79. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

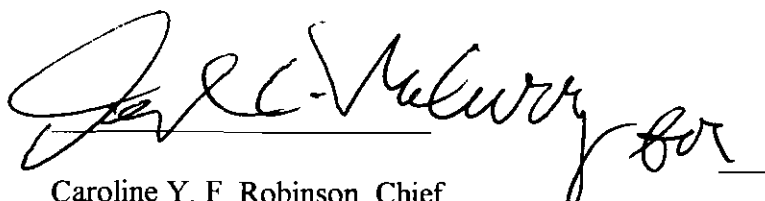
AGREED AND CONSENTED TO:

Applied Composite Technology

By: 
Jim Rock, Managing Director

Dated: 12-11-08

U.S. Environmental Protection Agency

By: 
Caroline Y. F. Robinson, Chief
RCRA & OPA Enforcement and Compliance Branch
RCRA Division

Dated: 12/18/08

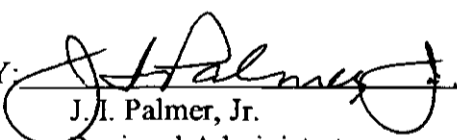
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF)	DOCKET NO.:RCRA-04-2009-4004(b)
)	
Applied Composite Technology)	PROCEEDING UNDER SECTION
4999 Enka Highway)	3008(a) OF THE RESOURCE
Lowland, Tennessee 37778)	CONSERVATION AND RECOVERY
)	ACT, 42 U.S.C. § 6928(a)
Respondent)	
)	
EPA ID No.: TNR 000 000 976)	
)	

FINAL ORDER

The foregoing Consent Agreement is hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22. The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED this 19th day of December 2008.

BY: 
J. I. Palmer, Jr.
Regional Administrator
EPA Region 4

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and the attached Final Order (CA/FO), in the Applied Composite Technology located in Lowland, Tennessee , Docket Number: RCRA-04-2009-4004(b), on the parties listed below in the manner indicated:

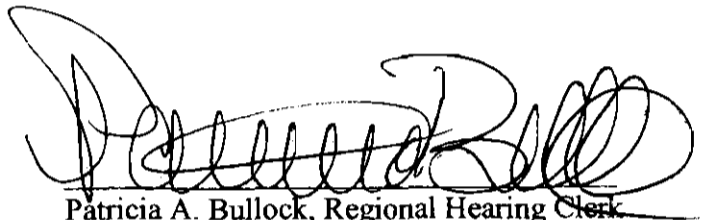
Joan Redleaf Durbin
Associate Regional Counsel
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

Jim Rock
Applied Composite Technology
4999 Enka Highway
Lowland, Tennessee 37778

(Via Certified Mail - Return Receipt
Requested)

Date 12-24-08



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Joan Redleaf Durbin on 12/24/08
(Name) (Date)

in the DEA/ous/cepa at (404) 562-9544
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree
USAO COLLECTS

Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree
DOJ COLLECTS

Oversight Billing - Cost Package required:
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Applied Composite Technology
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 1,000
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: RCEA-04-2009-4004 (b)

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: RCEA/OPA R4/RCEA Division/
Enforcement + Compliance Branch

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number is: _____ Date _____

If you have any questions, please call: Peggy Whitney of the Financial Management Section at: (404) 562-8238

DISTRIBUTION:

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- | | |
|--|------------------------------|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD) |
| | 3. Designated Program Office |

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- | | |
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| 1. Originating Office | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD) |